

EXHIBIT A

Grant, James

From: Grant, James
Sent: Monday, June 04, 2012 3:32 PM
To: 'randyf@co.adams.wa.us'; 'bnichols@co.asotin.wa.us'; 'andy.miller@co.benton.wa.us'; 'gary.riesen@co.chelan.wa.us'; 'dkelly@co.clallam.wa.us'; 'tony.golik@clark.wa.gov'; 'rculwell@waprosecutors.org'; 'bours@co.cowlitz.wa.us'; 'sclem@co.douglas.wa.us'; 'msandona@wapa-sep.wa.gov'; 'ssant@co.franklin.wa.us'; 'mnewberg@co.garfield.wa.us'; 'dlee@co.grant.wa.us'; 'smenefee@co.grays-harbor.wa.us'; 'gregb@co.island.wa.us'; 'srosekrans@co.jefferson.wa.us'; 'prosecuting.attorney@kingcounty.gov'; 'rhaug@co.kitsap.wa.us'; 'gregz@co.kittitas.wa.us'; 'prosecutor@co.kittitas.wa.co'; 'lorih@co.klickitat.wa.us'; 'jonathan.meyer@lewiscountywa.gov'; 'jbarkdull@co.lincoln.wa.us'; 'michaeld@co.mason.wa.us'; 'prosecutor@co.mason.wa.us'; 'ksloan@co.okanogan.wa.us'; 'dburke@co.pacific.wa.us'; 'tmetzger@pendoreille.org'; 'mlindqu@co.pierce.wa.us'; 'randyg@co.san-juan.wa.us'; 'richardw@co.skagit.wa.us'; 'kick@co.skamania.wa.us'; 'contact.prosecutor@snoco.org'; 'stucker@spokanecounty.org'; 'trasmussen@co.stevens.wa.us'; 'tunheij@co.thurston.wa.us'; 'dbigelow@wapa-sep.wa.gov'; 'jnagle@co.walla-walla.wa.us'; 'dmceachran@co.whatcom.wa.us'; 'denist@co.whitman.wa.us'; 'prosecutor@co.whitman.wa.us'; 'james.hagarty@co.yakima.wa.us'
Cc: Liz.McDougall@VillageVoiceMedia.com; Doran, Ambika
Subject: Notice of Lawsuit and Request for TRO Regarding Washington Senate Bill 6251
Attachments: Complaint re SB 6251.pdf; Mot for TRO.PDF

Ladies and Gentlemen:

We write to provide notice that on behalf of our client, Backpage.com, LLC, we are filing today in the United States District Court for the Western District of Washington an action seeking to enjoin enforcement of Washington Senate Bill 6251 and to declare that law unconstitutional under the First and Fifth Amendments and the Commerce Clause of the United States Constitution and in violation of section 230 of the Communications Decency Act, 47 U.S.C. § 230. Each of you is named as a defendant in this action, in your official capacities as prosecutors responsible for enforcement of criminal laws in the State of Washington.

Along with the complaint initiating this action, we are also filing a motion asking the Court to enter a temporary restraining order, and, thereafter, a preliminary injunction. As you know, SB 6251 is scheduled to take effect June 7, 2012. Copies of the complaint and the motion are attached to this email. At this point, we have not attached copies of the declarations supporting the motion because they are more voluminous and will be available in the Court's Electronic Case Filing System. If you would like to receive separate copies of the declarations by email, please let us know.

We would ask each of you if you are willing to accept service for this action by email. If you are agreeable, we will forward the applicable summons. Given the significant issues SB 6251 raises under the Constitution and the Communications Decency Act, we would also like to know whether defendants would be amenable to entering into a stipulated restraining order to preserve the status quo. Additionally, we are willing to talk about coordinating a briefing schedule for the motion. If you would let me know your response on these points by email or a phone call, I would appreciate it.

Thank you, and please call either of us if you have any questions or would like to discuss this matter further.

James Grant | Davis Wright Tremaine LLP
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Bio: www.dwt.com/lawdir/attorneys/DoranAmbika.cfm
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EXHIBIT B

JOINT STATEMENT

craigslist, the Attorneys General listed below, and the National Center for Missing and Exploited Children ("NCMEC"), announce new measures that craigslist is taking to help combat unlawful activity and improve public safety on its web site.

This agreement culminates a series of discussions and in person meetings between Jim Buckmaster, CEO of craigslist, Richard Blumenthal, Attorney General of the State of Connecticut, and NCMEC.

craigslist is a popular internet classifieds service that provides the public with many benefits. Like all communication tools, it can unfortunately be misused to facilitate unlawful activity.

craigslist has a long record of implementing measures to prevent misuse of its web site, assisting law enforcement investigations, and of improving safety for craigslist users. Law enforcement personnel have called craigslist's attention to misuse of craigslist's "erotic services" category to facilitate unlawful activity. This problem requires new safeguards for craigslist and new ways of working together with law enforcement. Further innovation and collaboration in addressing these issues will be beneficial for the safety of craigslist users and the general public. Accordingly, craigslist, the Attorneys General, and NCMEC, announce the following measures for combating unlawful activity and improving public safety on craigslist:

I. DIGITAL TAGGING, COMMUNITY FLAGGING, ELECTRONIC SCREENING

- craigslist has implemented a community self-policing program which allows users to "flag" a posting the user believes violates the terms of use, including the prohibition against pornography. The objectionable posting is eliminated automatically if it receives above a threshold number of flags.
- craigslist uses electronic screening to block certain advertisements that craigslist believes will violate its Terms of Use before they are posted.
- craigslist digitally tags adult sections of the site using industry standard PICS rating headers to facilitate the effectiveness of PC-based parental screening software.

II. TELEPHONE VERIFICATION

- craigslist has implemented a telephone verification system for the "erotic services" section of the site requiring any person seeking to post an advertisement to provide a working telephone number.
- Telephone verification enables craigslist to permanently block the phone number of any person posting unlawful or inappropriate advertisements.

III. CREDIT CARD VERIFICATION AND FEE TO POST

- craigslist plans to implement credit card verification and fee to post for its "erotic services" category. Persons wishing to post ads in this category will be required to pay a fee using a valid credit card.
- Credit card verification and fee to post will reduce ad volume significantly, and encourage more responsible usage.

- Credit Card verification provides additional identifying information that will enable craigslist to block the accounts of persons who violate craigslist's terms of use.
- credit card information would be available to law enforcement agencies through a subpoena process.
- craigslist plans to contribute 100% of the net revenues from these advertisements to charity. A public accounting firm will verify the net revenue amounts.

IV. LEGAL ACTION AGAINST SPAM OPERATORS

- Misuse of craigslist is facilitated by companies providing spamming, posting, and/or flagging services. These businesses seek financial profit by providing services and/or software that circumvent craigslist's terms of use and defense mechanisms or facilitate circumvention by other persons.
- craigslist has initiated (or will soon initiate) lawsuits against a number of these companies that violate craigslist's terms of use (or facilitate the violation of craigslist's terms of use by others).
- craigslist will provide evidence of unlawful activity by these operators to the Attorneys General for potential prosecution.

V. COOPERATION WITH LAW ENFORCEMENT

- craigslist has developed search capabilities that enhance its ability to assist NCMEC and law enforcement agencies to locate missing persons, and identify exploited minors and victims of human trafficking.
- craigslist is continuing its development efforts in this area to further enhance its ability to assist law enforcement NCMEC and even social welfare agencies in their efforts to protect children from this type of victimization.
- craigslist will cooperate with law enforcement utilizing the subpoena process.

VI. HUMAN TRAFFICKING AND CHILD EXPLOITATION AWARENESS

- craigslist is visited by more than 40 million Americans each month, generating more than 12 billion monthly page views. Information presented by craigslist can help raise awareness among Americans regarding the enormous suffering caused by human trafficking and the exploitation of minors in this country.
- craigslist, the Attorneys General, and NCMEC will work together to further refine and improve educational materials that are currently available on craigslist.

VII. FUTURE EFFORTS

- craigslist and the Attorneys General will meet on a regular basis to discuss design and functionality improvements to combat unlawful activity and improve safety on its web site.

- craigslist will explore the implementation and use of technology that prevents image uploads likely to violate its terms of use.
- craigslist will work with the Attorneys General to develop more robust electronic screening of language used in craigslist postings.



Jim Buckmaster
President and Chief Executive Officer
craigslist, Inc.



Ernie Allen
President and Chief Executive Officer
National Center for Missing and Exploited
Children



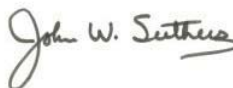
Richard Blumenthal
Attorney General of Connecticut



Terry Goddard
Attorney General of Arizona



Dustin B. McDaniel
Attorney General of Arkansas



John W. Suthers
Attorney General of Colorado



Richard S. Gebelein
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Peter J. Nickles
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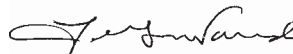
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Alicia G. Limtiaco
Attorney General of Guam



Mark J. Bennett
Attorney General of Hawaii



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Attorney General of Idaho




Lisa Madigan
Attorney General of Illinois



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Attorney General of Indiana



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Attorney General of Kansas



Jack Conway
Attorney General of Kentucky



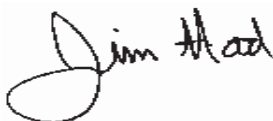
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Steven Rowe
Attorney General of Maine




Douglas F. Gansler
Attorney General of Maryland



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Attorney General of Mississippi



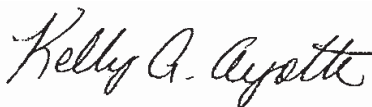
Mike McGrath
Attorney General of Montana



Jon Bruning
Attorney General of Nebraska



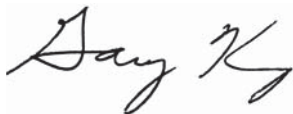
Catherine Cortez Masto
Attorney General of Nevada



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Gary King
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Wayne Stenehjem
Attorney General of North Dakota




Nancy H. Rogers
Attorney General of Ohio



Drew Edmondson
Attorney General of Oklahoma



Hardy Myers
Attorney General of Oregon



Tom Corbett
Attorney General of Pennsylvania



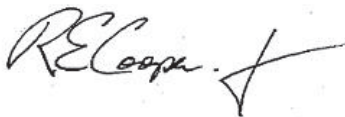
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Henry McMaster
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Lawrence E. Long
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Robert E. Cooper, Jr.
Attorney General of Tennessee



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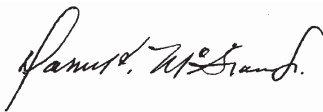
Vincent F. Frazer
Attorney General of the Virgin Islands



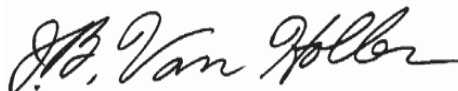
Robert F. McDonnell
Attorney General of Virginia



Rob McKenna
Attorney General of Washington



Darrell V. McGraw, Jr.
Attorney General of West Virginia



J. B. Van Hollen
Attorney General of Wisconsin



Bruce A. Salzburg
Attorney General of Wyoming

EXHIBIT C

craigslist blog

« Classifieds and Killers

Target Practice »

Striking a New Balance

As of today for all US craigslist sites, postings to the "erotic services" category will no longer be accepted, and in 7 days the category will be removed.

Also effective today for all US sites, a new category entitled "adult services" will be opened for postings by legal adult service providers. Each posting to this new category will be manually reviewed before appearing on the site, to ensure compliance with craigslist posting guidelines and terms of use. New postings will cost \$10, but once approved, will be eligible for reposting at \$5.

Unsurprisingly, but completely contrary to some of the sensationalistic journalism we've seen these past few weeks, the record is clear that [use of craigslist classifieds is associated with far lower rates of violent crime than print classifieds](#), let alone rates of violent crime pertaining to American society as a whole.

The [relative safety of craigslist compared to print classifieds](#) is likely due to some combination of:

- » Measures such as blocking, screening, and telephone verification
- » Community moderation via our flagging system
- » Electronic trail ensures violent criminals are quickly caught
- » Personal safety tips prominently posted
- » Unusually high level of cooperation with law enforcement

Community moderation as exemplified by our flagging system is arguably the most successful system ever conceived for eliminating inappropriate activity from a massive internet community. Working in tandem with various other protective technologies, it is an inescapable force to be reckoned with for anyone set on abusing free internet communications across a broad array of posting types.

However, with respect to this new paid category for advertising by legal businesses, we will experiment with some of the methods traditionally employed in paid print classifieds.

We'd like to thank everyone who has provided helpful input over the past few weeks, all of which was closely considered:

- » Our users, whose suggestions shape every aspect of craigslist
- » Attorneys General, who provided valuable constructive criticism
- » Law Enforcement officers nationwide, hugely supportive as always
- » Legally compliant businesses wishing to advertise their services
- » [EFF and other experts defending free speech and Internet law](#)

We are optimistic that the new balance struck today will be an acceptable compromise from the perspective of these constituencies, and for the diverse US communities that value and rely upon craigslist.

Note: Our announced intention to contribute 100% of net revenues for the "erotic services" category to charity has been fulfilled, and will continue to be fulfilled, notwithstanding criticism questioning our good faith in this regard. However, in light of today's changes, and to avoid any future misunderstanding, we are making no representation regarding how revenue from the "adult services" category will be used. Our commitment to philanthropy remains, and craigslist will continue to develop its charitable initiatives.

This entry was posted on Wednesday, May 13th, 2009 at 11:57 am and is filed under [Features](#), [Government](#), [Law Enforcement](#), [Legal](#), [Philanthropy](#).

106 Responses to "Striking a New Balance"

jenna Says:

May 13th, 2009 at 12:14 pm



this is absolutely crazy. I have posted in the erotic services area for 2 years and I have never had any issues with crazy people. I have met some very nice people, and this is a sad day for CL.

EXHIBIT D

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Wash. not one of state AGs demanding Craigslist drop adult services

Credit: KING
by KING 5 News and Associated Press
Posted on August 24, 2010 at 10:35 AM
Updated Tuesday, Aug 24 at 2:25 PM

HARTFORD, Conn. - State attorneys general nationwide are demanding that Craigslist remove its adult services section because they say the website cannot adequately block potentially illegal ads.

Connecticut Attorney General Richard Blumenthal announced Tuesday that he and colleagues in 16 states have sent a letter calling on the classified advertising site to get rid of its adult services category.

The attorneys general say Craigslist is not completely screening out ads that promote prostitution and child trafficking. The site creators pledged in 2008 to improve their policing efforts.

A spokeswoman for the Washington State Attorney General's Office says Washington will not be joining this latest effort.

Kristin Alexander said simply removing or changing the title doesn't necessarily make it easier for Craigslist or law enforcement to police the site. She said some of the experts the Washington AG's office consulted with suggested that it might make it more difficult.

"Potentially people could be placing those ads but they could end up in different sections," she said.

"Basically it's the uncertainty, not the intent behind the letter from the other Attorney's General that led us to decide not to join," she said.

In 2008, Washington was one of 43 states that forged an agreement with Craigslist to address crimes including child pornography, child prostitution and human trafficking. According to the agreement, Craigslist would begin requiring that users who post erotic services ads provide a working phone number and pay a fee with a valid credit card and would supply the resulting information in response to law enforcement subpoenas. In addition, proceeds from erotic services ads would be donated to charity.

Other states joining the effort are Arkansas, Idaho, Illinois, Iowa, Kansas, Maryland, Michigan, Missouri, Montana, New Hampshire, Ohio, Rhode Island, South Carolina, Tennessee, Texas and Virginia.

San Francisco-based Craigslist did not immediately return a call.

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- Craigslist removes adult services section

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EXHIBIT E

Craigslist Says It Has Shut Its Section for Sex Ads

By CLAIRE CAIN MILLER
Published: September 15, 2010

Craigslist said on Wednesday that it had permanently closed the section of its sites in the United States that carried sex-related advertising, but it defended its right to carry such advertisements as well as its efforts to fight sex trafficking.

The company abruptly removed links to the ads for sexual services earlier this month and replaced them with a black label bearing the word "censored." Until Wednesday it had not explained its move.

William Clinton Powell, director of customer and law enforcement relations at Craigslist, and Elizabeth L. McDougall, a partner at Perkins Coie, Craigslist's law firm, discussed the change in testimony at a hearing on sex trafficking of minors before the House Judiciary Committee in Washington.

"Craigslist discontinued its adult services section on Sept. 3, 2010, and there are no plans to reinstate the category," Mr. Powell said. "Those who formerly posted ads in the adult services category will now have to advertise elsewhere, and in fact there is evidence that this process began immediately."

The hearing, held by the House subcommittee on crime, terrorism and homeland security, came after days of speculation about the motives of Craigslist.

Though federal law protects Craigslist against liability for what its users post, it has been criticized by state attorneys general and advocacy groups who say the site has the responsibility to fight sex trafficking and other sex crimes. On Aug. 24, 17 attorneys general sent Craigslist a letter demanding that it close the sex-related section.

The sex ads cost \$10 and were on track to bring in \$44 million in revenue this year, according to the AIM Group, a consulting firm that closely monitors the company. Craigslist also charges for some real estate and job ads, but most listings are free.

Free speech advocates and some people who work to help victims of sex crimes have questioned the removal of the sex-ad section. They said that blocking the ads threatened free speech and that the site helped law enforcement track criminals.

But state attorneys general and other groups fighting sex crimes applauded Craigslist's decision to remove the section and demanded that it also block the ads from other areas of the site where they have been popping up, like casual encounters and therapeutic services, and from international Craigslist sites.

Ms. McDougall said Wednesday that it was overly idealistic to believe that sex crimes would end if the sex-oriented advertising were shut down.

Craigslist had adopted a more practical approach, she said, by containing the ads in one place on the site and assisting law enforcement in investigating crimes.

Mr. Powell outlined the many steps he said Craigslist had taken to fight sex trafficking and work with law enforcement and advocacy groups, including manually reviewing all ads before posting, requiring credit card and phone numbers, reporting suspicious ads to the National Center for Missing and Exploited Children and responding to law enforcement requests within a day.

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Traffic to Backpage.com, a classifieds site run by Village Voice Media, has sharply spiked this month, according to reports from two firms that measure Web traffic, Alexa and Compete, that Ms. McDougall provided to the committee.

"Consequently, Craigslist fears that its utility to help combat child exploitation has been grossly diminished," she said.

Ernie Allen, chief executive of the National Center for Missing and Exploited Children, dismissed that notion in his testimony. "We recognize that if we crack down in one area, some of this problem will migrate to other areas, but frankly that's progress," he said. "We follow the money. The goal is to destroy the business model of those who sell children for sex on the Internet."

Carl Ferrer, vice president of sales and marketing at Backpage, did not respond to a request for comment but has [previously said](#) that the site uses moderation, automated filters and user reports to remove inappropriate posts.

Backpage and the many other sites that post prostitution ads, often disguised as body rubs or escort services, are maneuvering to get a bigger share of the business now that Craigslist is out of the game, said Peter M. Zollman, founding principal of the AIM Group.

Advocacy groups and attorneys general have said they focused on Craigslist because it is widely known and has a big business in sex ads, but will now go after other sites as well. "We must broaden the focus beyond Craigslist and urge every online classified site to take action," Mr. Allen said.

A version of this article appeared in print on September 16, 2010, on page B1 of the New York edition.



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EXHIBIT F

STATE ATTORNEYS GENERAL
A Communication From the Chief Legal Officers
Of the Following States and Territories:

Arkansas * Connecticut * Delaware * Idaho * Illinois * Iowa * Kansas * Maine
Maryland * Michigan * Mississippi * Missouri * Montana * Nevada * New Hampshire
Ohio * Rhode Island * South Carolina * Tennessee * Texas * Virginia

September 21, 2010

Sent via facsimile

Samuel Fifer
Sonnenschein, Nath & Rosenthal, LLP
233 South Wacker Drive
Suite 7800
Chicago, IL 60606-6404

RE: backpage.com

Dear Mr. Fifer:

Thank you for your recent letter notifying us of additional changes backpage has implemented in order to respond to our concerns that blatant prostitution ads are rampant on the site. Although we appreciate these efforts and the cooperation the site has demonstrated since we began our investigation in 2009, more needs to be done.

We are writing to request that you immediately take down the adult services portion of backpage.

We believe that ads for prostitution-- including ads trafficking children-- are rampant on the site and that the volume of these ads will grow in light of craigslist's recent decision to eliminate the adult services section of its site. In our view, it is time for the company to follow craigslist's lead and take immediate action to end the misery of the women and children who may be exploited and victimized by these ads. Because backpage cannot, or will not, adequately screen these ads, it should stop accepting them altogether.

As you indicated in your recent letter to us, you found that once you began charging for ads in the adult services section of the site, prostitution began migrating into certain sections of the personals section, so you began to charge to posts ads in that section as well. We urge you to take additional efforts, such as manual review of each ad in theses sections of the personals -- and others if it becomes necessary -- before ads are posted.

We recognize that backpage may lose the considerable revenue generated by the adult services ads. Still, no amount of money can justify the scourge of illegal prostitution, and the

misery of the women and children who will continue to be victimized, in the marketplace provided by backpage.

We sincerely hope backpage, like craigslist, will finally hear the voices of the victims, women and children, who plead with it to make this important change. We too, call on backpage to listen, to care, and respond now by shutting down the adult services section of its website. It is the right thing to do to protect innocent women and children.

Very truly yours,



Richard Blumenthal
Attorney General of Connecticut



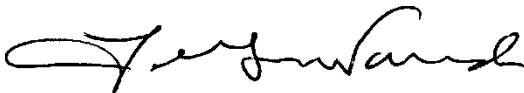
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Attorney General of Illinois



Tom Miller
Attorney General of Iowa



Steve Six
Attorney General of Kansas



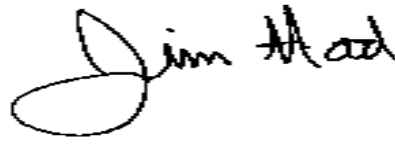
Janet Trafton Mills
Attorney General of Maine



Douglas F. Gansler
Attorney General of Maryland



Michael Cox
Attorney General of Michigan



Jim Hood
Attorney General of Mississippi



Steve Bullock
Attorney General of Montana



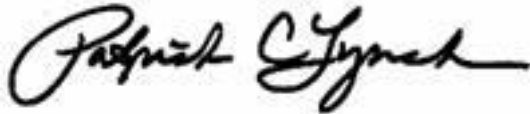
Catherine Cortez Masto
Attorney General of Nevada



Michael A. Delaney
Attorney General of New Hampshire



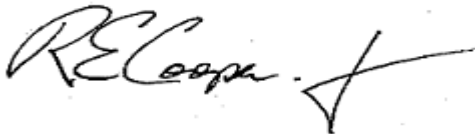
Richard Cordray
Attorney General of Ohio



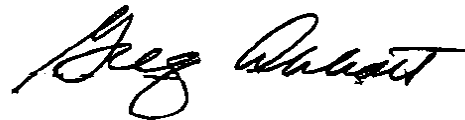
Patrick C. Lynch
Attorney General of Rhode Island



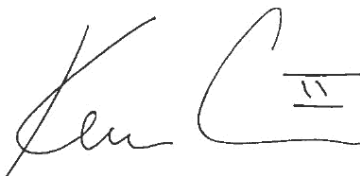
Henry McMaster
Attorney General of South Carolina



Robert E. Cooper, Jr.
Attorney General of Tennessee



Greg Abbott
Attorney General of Texas



Kenneth T. Cuccinelli, II
Attorney General of Virginia

EXHIBIT G



Washington State Office of the ATTORNEY GENERAL

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FOR IMMEDIATE RELEASE
August 31, 2011

Attorneys General to Backpage.com: prove you're fighting human trafficking

McKenna calls for an end to "online clearinghouse" for human trafficking

OLYMPIA – Washington State Attorney General Rob McKenna and 45 other attorneys general today called for information about how Backpage.com presumably attempts to remove advertising for sex trafficking, especially ads that could involve minors.

In a letter to the online classified site's lawyers, the attorneys general say that Backpage.com claims it has strict policies to prevent illegal activity. Yet the chief legal officers of Washington state, Missouri and Connecticut have found hundreds of ads on Backpage.com's regional sites that are clearly for illegal services.

"It does not require forensic training to understand that these advertisements are for prostitution," the attorneys general wrote.

The [letter](#) says the hub for illegal sex ads is a magnet for those seeking to exploit minors and points to more than 50 cases, in 22 states over three years, involving the trafficking or attempted trafficking of minors through Backpage.com. "These are only the stories that made it into the news; many more instances likely exist," the attorneys general wrote. They also reminded Backpage.com of a 2010 request from nearly two dozen attorneys general asking that the adult services site be taken down.

"Traffickers who exploit runaways and other disadvantaged kids shouldn't be provided with a powerful online clearinghouse," McKenna said. "The only way for Backpage.com to completely stop child sex trafficking on its site is to take down adult services advertisements altogether and take aggressive steps to be sure such ads don't surface elsewhere on the site."

McKenna added that kids aren't capable, legally or otherwise, to consent to be sold for sex. And regardless of a prostitute's age, it's difficult to know whether the person advertised is being coerced.

In many cases involving human trafficking on Backpage.com, law enforcement finds that minors are, in fact, often coerced. Prosecutors in Benton County, Wash., are handling a case in which teen girls say they were threatened and extorted by two adults who marketed them on Backpage.com. One of the adults rented a hotel room in Kennewick and forced the girls to have sex with men who answered the online ads, for which Backpage.com charges \$1 and up.

Backpage.com, owned by Village Voice Media, LLC, is the top provider of "adult services" advertisements. The multimedia company, which owns 13 weekly newspapers in the United States including the Seattle Weekly, admits its involvement in advertising illegal services. In a meeting with staff at the Washington State Attorney General's Office, Village Voice board member Don Moon readily acknowledged prostitution ads appear on the Web site. And in a June 29 article published nationally by the Village Voice, the corporation criticized those concerned about child sex trafficking as "prohibitionists bent on ending the world's oldest profession," acknowledging that, as a seller of adults services ads, "Village Voice has a stake in this story."

[Industry analysts](#) suggest that Village Voice's stake in adult services advertisements is worth about \$22.7 million in annual revenue. Many state attorneys general believe that Backpage.com is attempting to minimize the impact of child sex trafficking because they fear it will turn attention to the company's robust prostitution advertising business. While Backpage.com has ramped up its effort to screen some ads for minors, the attorneys general involved in today's letter believe that "Backpage.com sets a minimal bar for content review in an effort to temper public condemnation, while ensuring that the revenue spigot provided by prostitution advertising remains intact."

The letter from state attorneys general makes a series of requests to Backpage.com, asking that the company willingly provide information in lieu of a subpoena. For example, in order to substantiate the claim that the company enforces policies to prevent illegal activity, the attorneys general ask that Backpage.com describe in detail its understanding of what precisely constitutes "illegal activity," and whether advertisements for prostitution fall into that category. The attorneys general also ask, among other requests, how many advertisements in its adult section and subsections have been submitted since Sept. 1, 2010, how many of those advertisements were individually screened, how many were rejected and how many were removed after being discovered to be for illegal services.

In 2008, McKenna helped lead 42 other attorneys general in reaching an [agreement with Craigslist](#) to crack down on illegal listings, in an effort to reduce crimes like distributing child pornography and human trafficking. Craigslist ultimately removed its "erotic services" section altogether in May 2009. McKenna, president of the National Association of Attorneys General, in June announced a [national initiative](#) to reduce human trafficking.

The states signing on to today's letter are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wyoming and the territory of Guam.

Contacts:

Don Schuman, AGO Deputy Communications Director, (360) 586-7810

EXHIBIT H

It's an uphill fight, but officials right to go after backpage.com



The Olympian Editorial Board

Attorneys general from practically every state in the union have sent a letter to an online classified advertising site in hopes of convincing backpage.com to stop accepting escort advertisements which are sometimes used to traffic child prostitutes.

Attorney General Rob McKenna and his colleagues are hoping to get voluntary compliance because they know they have little legal standing to forcibly shut down the site, which is owned by Village Voice Media Holdings.

The company publishes Seattle Weekly in this state. In July, Seattle Mayor Mike McGinn ordered city officials to stop placing advertisements in the Seattle Weekly because the escort section of backpage.com has been linked to juvenile prostitution.

The attorneys general have had some success in this effort in the past. Three years ago McKenna and dozens of his colleagues reached an agreement with Craigslist to crack down on classified listings. In May 2009, under public pressure and vocal criticism, Craigslist removed its erotic services listings.

Now, as president of the National Association of Attorneys General, McKenna is using his position to wage a second assault on human trafficking – this time focused on backpage.com.

In their letter to a company attorney, the attorneys general asked backpage.com for proof that they are following policies to prevent illegal activity. McKenna claims there are hundreds of advertisements in this and other states that are "clearly for illegal services."

In the letter the attorneys say, "As our state's chief law enforcement officers, we are increasingly concerned about human trafficking, especially the trafficking of minors. Backpage.com is a hub for such activity."

The letter continues, "We have tracked more than 50 instances, in 22 states over three years, of charges filed against those trafficking or attempting to traffic minors on backpage.com. These are only the stories that made it into the news; many more instances likely exist. These cases often involve runaways ensnared by adults seeking to make money by sexually exploiting them. In some cases, minors are pictured in advertisements. In others, adults are pictured but minors are substituted at the 'point of sale' in a grossly illegal transaction."

In announcing the crackdown, McKenna said, "Traffickers who exploit runaways and other disadvantaged kids shouldn't be provided with a powerful online clearinghouse. The only way for backpage.com to completely stop child sex trafficking on its site is to take down adult services advertisements altogether and take aggressive steps to be sure such ads don't surface elsewhere on the site."

Getting the company to back away from the advertisements will be a challenging assignment. According to McKenna, industry analysts suggest that Village Voice's stake in adult services advertisements is worth about \$22.7 million in annual revenue.

Even if the attorneys general are successful in getting the company to give up the advertisements and the revenue – as they were with Craigslist – another company will likely fill the void just at backpage.com followed Craigslist.

But that doesn't mean the attorneys general should back down. They are doing the right thing by tackling the human trafficking problem.

But they clearly understand that the laws are not on their side.

In an interview with the Seattle Times, McKenna acknowledged that backpage.com is hiding behind the federal Communications Decency Act. That 1996 law was aimed at protecting children from online abuse while encouraging a robust Internet. The act provides Internet content and service providers with broad immunity from liability for content posted by third parties. McKenna admits the immunity law is a "high barrier" to overcome by him and his colleagues.

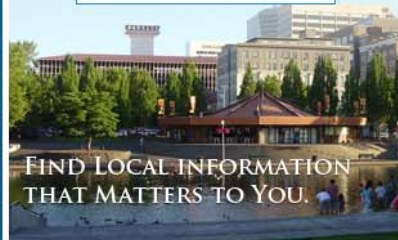
A recent federal lawsuit out of Missouri is a case in point. The pimp of a 14-year-old girl advertised her services on backpage.com. The teen sued the Internet classified ad provider claiming the company was liable for her exploitation. The judge sided with backpage.com saying the company enjoys immunity under provisions of the 1996 law. The judge, who was sympathetic to the child's plight, said even if a provider like backpage.com knows the advertisement is for illegal conduct, the content is protected under the 1996 law. The judge said it's up to Congress, not the courts, to change the laws granting immunity.

Congress should do just that. But in the meantime, any pressure exerted by the attorney generals is a welcome effort to bring a halt to the illegal trafficking of juveniles.

[Original Article](#)

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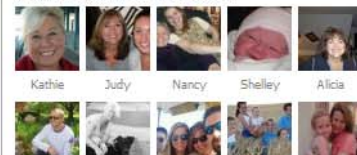
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EXHIBIT I



[Bill Information](#) > [SB 6251 - 2011-12](#)

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SB 6251 - 2011-12 [\(What is this?\)](#)

Regulating advertising of commercial sexual abuse of a minor.

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History of the Bill

as of Friday, June 1, 2012 1:48 PM

Sponsors: Senators [Kohl-Welless](#), [Delvin](#), [Eide](#), [Chase](#), [Pflug](#), [Conway](#), [Kline](#), [Ranker](#), [Stevens](#), [Fraser](#), [Regala](#), [Nelson](#), [Roach](#), [Frockt](#)

2012 REGULAR SESSION

- Jan 16 First reading, referred to Judiciary. [\(View Original Bill\)](#)
- Jan 27 Public hearing in the Senate Committee on Judiciary at 1:30 PM. [\(Committee Materials\)](#)
- Feb 1 Executive action taken in the Senate Committee on Judiciary at 1:30 PM. [\(Committee Materials\)](#)
- Feb 2 **JUD - Majority; 1st substitute bill be substituted, do pass.** [\(View 1st Substitute\)](#) [\(Majority Report\)](#)
- Passed to Rules Committee for second reading.
- Feb 7 Placed on second reading by Rules Committee.
- Feb 8 **1st substitute bill substituted (JUD 12).** [\(View 1st Substitute\)](#)
- Floor amendment(s) adopted.
- Rules suspended. Placed on Third Reading.
- Third reading, passed; yeas, 49; nays, 0; absent, 0; excused, 0. [\(View Roll Calls\)](#) [\(View 1st Engrossed\)](#)

IN THE HOUSE

- Feb 10 First reading, referred to Public Safety & Emergency Preparedness.
- Feb 15 Public hearing in the House Committee on Public Safety & Emergency Preparedness at 1:30 PM. [\(Committee Materials\)](#)
- Feb 21 Executive action taken in the House Committee on Public Safety & Emergency Preparedness at 10:00 AM. [\(Committee Materials\)](#)
- PSEP - Executive action taken by committee.
- PSEP - Majority; do pass. [\(Majority Report\)](#)
- Referred to Rules 2 Review.
- Feb 24 Placed on second reading by Rules Committee.
- Feb 27 Rules suspended. Placed on Third Reading.
- Third reading, passed; yeas, 96; nays, 0; absent, 0; excused, 2. [\(View Roll Calls\)](#)

IN THE SENATE

- Feb 28 President signed.

IN THE HOUSE

- Feb 29 Speaker signed.

OTHER THAN LEGISLATIVE ACTION

- Mar 5 Delivered to Governor. [\(View Bill as Passed Legislature\)](#)
- Mar 29 Governor signed.
- Chapter 138, 2012 Laws. [\(View Session Law\)](#)
- Effective date 6/7/2012.

[Go to history...](#)

Available Documents

Bill Documents

[Original Bill](#)

[Substitute Bill \(JUD 12\)](#)

[Engrossed Substitute](#)

[Bill as Passed Legislature](#)

[Session Law](#)

Bill Digests

[Bill Digest](#)

[Substitute Bill Digest](#)

Bill Reports

[Senate Bill Report \(Orig.\)](#)

[Senate Bill Report](#)

[Engrossed Substitute Senate Bill Report](#)

[Engrossed Substitute House Bill Analysis 2012](#)

[Engrossed Substitute House Bill Report](#)

[Final Bill Report](#)

Amendments

Amendment Name

[6251-S AMS KLIN S4620.2](#)

Num	Sponsor	Type	Description	Action
35	Kline	Floor	Striker	ADOPTED 02/08/2012

Fiscal Note (Available)

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Available Videos (Video links take you to the TVW website)

Live video is available at the stated time. Archived video becomes available approximately two hours after the close of the hearing or floor session.

[Jan 27, 2012 Senate Judiciary at 1:30 PM](#)

[Feb 1, 2012 Senate Judiciary at 1:30 PM](#)

[Feb 15, 2012 House Public Safety & Emergency Preparedness at 1:30 PM](#)

[Feb 21, 2012 House Public Safety & Emergency Preparedness at 10:00 AM](#)

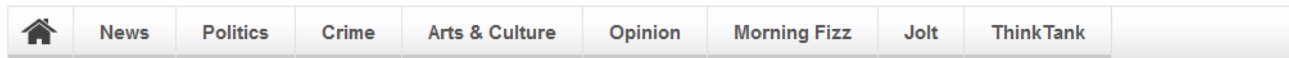
EXHIBIT J



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Sen. Kohl-Welles: "I Think We Came Up With the Best Language We Could" On Backpage Law

THIS WASHINGTON April 4, 2012 at 1:08 pm Erica C. Barnett

In a piece for [Salon](http://Salon.com) today, Tracy Clark-Flory covers a new Washington State law that makes it a felony for web pages like the Village Voice Media-owned Backpage.com to knowingly publish ads for underage prostitutes. VVM, which owns *Seattle Weekly*, has been [linked](#) repeatedly to child sex trafficking; just this week, investment firm Goldman Sachs [dumped](#) its 16 percent share in VVM over concerns about ads for underage prostitutes on Backpage.

Clark-Flory's piece quotes state Sen. Jeanne Kohl-Welles (D-36), who says that she would "love to have the escort services section shut down completely as there [are] very likely individuals 18 and over who are lured, then trapped, too," but acknowledges, "I doubt our new law will accomplish that."

Kohl-Welles tells Publicola that ultimately, "I would like to see [online escort advertising] banned. I don't come at this from a moralistic or prudish point of view, but I think that girls 18 years old and older get lured into and trapped into prostitution" too.

However, knowing that banning all escort ads would be a heavy lift, constitutionally speaking, Kohl-Welles says that her "original intent" in writing the law was to require escorts to provide proof that they were 18 or older in person. After state attorneys advised her that such a requirement might still violate the constitutional right to freedom of the press, she says, she and the bill's other sponsors rewrote the bill to require companies like Backpage to prove that they made a "reasonable attempt" at confirming escorts' ages.

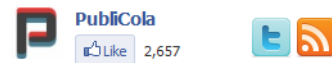
"We kept asking, what does constitute a violation of freedom of speech and freedom of the press, what does constitute a violation of the federal Communications Decency Act?" Kohl-Welles says. "I ended up with something on the order of 15 or more drafts that I floated, circulated, and got input on. And so where we ended up with something people were comfortable with."

The ACLU, which initially had concerns about Kohl-Welles' proposal, was neutral on the final legislation.

Ultimately, Kohl-Welles says, she would have preferred that the legislation go further—to bar companies like Backpage from running ads for trafficked children, period, as opposed to only barring them from doing so "knowingly." However, she thinks the bill will help crack down on the worst offenders. "I believe that we came up with the best language that we could."

VVM has indicated that it plans to challenge the law in court; its attorney, Liz McDougall (a former lawyer for Craigslist, which stopped running escort ads under threat of legal action), [told](#) the *New York Times*, "There's going to have to be a challenge to it. Otherwise it would effectively shut down an enormous portion of the Internet that currently permits third-party content."

Backpage has 70 percent of the market for online prostitution ads; the company earns more than \$22 million a year from such ads.



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"A person commits the offense of advertising commercial sexual abuse of a minor if he or she knowingly publishes, disseminates, or displays or causes directly or indirectly to be

EXHIBIT K

S-3824.1

SENATE BILL 6251

State of Washington

62nd Legislature

2012 Regular Session

By Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach, and Frockt

Read first time 01/16/12. Referred to Committee on Judiciary.

1 AN ACT Relating to advertising commercial sexual abuse of a minor;
2 adding a new section to chapter 9.68A RCW; creating a new section; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds it unacceptable that
6 Washington's children are being sold for sex in advertisements. A 2008
7 Seattle human services department report estimated that there are three
8 hundred to five hundred children being exploited for sex in the Seattle
9 area alone each year. The legislature finds that the practice of
10 escort services advertising includes minors who are being sold for sex,
11 a form of sex trafficking and commercial sexual abuse of minors.
12 According to the Seattle police department, since the beginning of
13 2010, at least twenty-two children have been advertised online in the
14 Seattle area for commercial sex and were recovered by the police
15 department. The legislature is committed to eliminating sex
16 trafficking of minors in Washington state.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68A RCW
18 to read as follows:

1 (1) A person commits the offense of advertising commercial sexual
2 abuse of a minor if he or she knowingly sells or offers to sell an
3 advertisement that would appear to a reasonable person to be for the
4 purpose of engaging in what would be commercial sexual abuse of a
5 minor, if occurring in this state.

6 (a) To commit the offense of advertising commercial sexual abuse of
7 a minor, a minor must be depicted in the advertisement, or commercial
8 sexual abuse of a minor must occur as a result of the advertisement.

9 (b) "Advertisement" means notice or an announcement in a public
10 medium promoting a product, service, or event, or publicizing a job
11 vacancy.

12 (c) "Minor" means an individual who is less than eighteen years
13 old.

14 (2) In a prosecution under this statute it is not a defense that
15 the defendant did not know the age of the minor depicted in the
16 advertisement. It is a defense, which the defendant must prove by a
17 preponderance of the evidence, that at the time of the offense, the
18 defendant made a reasonable bona fide attempt to ascertain the true age
19 of the minor appearing in the advertisement by requiring, prior to
20 publication of the advertisement, production of a driver's license,
21 marriage license, birth certificate, or other governmental or
22 educational identification card or paper of the minor depicted in the
23 advertisement and did not rely solely on oral or written allegations of
24 the minor's age or the apparent age of the minor.

25 (3) Advertising commercial sexual abuse of a minor is a class C
26 felony.

--- END ---

EXHIBIT L

S-4103.5

SUBSTITUTE SENATE BILL 6251

State of Washington

62nd Legislature

2012 Regular Session

By Senate Judiciary (originally sponsored by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach, and Frockt)

READ FIRST TIME 02/02/12.

1 AN ACT Relating to advertising commercial sexual abuse of a minor;
2 adding a new section to chapter 9.68A RCW; creating a new section; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds it unacceptable that
6 Washington's children are being sold for sex in advertisements. A 2008
7 Seattle human services department report estimated that there are three
8 hundred to five hundred children being exploited for sex in the Seattle
9 area alone each year. The legislature finds that the practice of
10 escort services advertising includes minors who are being sold for sex,
11 a form of sex trafficking and commercial sexual abuse of minors.
12 According to the Seattle police department, since the beginning of
13 2010, at least twenty-two children have been advertised online in the
14 Seattle area for commercial sex and were recovered by the police
15 department. The legislature is committed to eliminating sex
16 trafficking of minors by individuals, corporations, limited liability
17 companies, or other business entities in Washington state.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68A RCW
2 to read as follows:

3 (1) A person, corporation, limited liability company, partnership,
4 joint stock association, or an unincorporated association commits the
5 offense of advertising commercial sexual abuse of a minor if he or she
6 knowingly sells or offers to sell an advertisement, and an act of
7 commercial sexual abuse of a minor as defined in RCW 9.68A.100 or
8 prostitution as defined in RCW 9A.88.030 results in this state, subject
9 to subsection (2) of this section.

10 (2) For a corporation, joint stock association, or limited
11 liability company to "knowingly sell or offer to sell an advertisement"
12 under subsection (1) of this section:

13 (a) The conduct must consist of an omission to discharge a specific
14 duty of performance imposed on corporations, joint stock associations,
15 or limited liability companies by law; or

16 (b) The conduct must be engaged in, authorized, solicited,
17 requested, commanded, or tolerated by the board of directors or by a
18 high managerial agent, as defined in RCW 9A.08.030, acting within the
19 scope of his or her employment and on behalf of the corporation, joint
20 stock association, or limited liability company; or

21 (c) The conduct must be engaged in by an agent, as defined in RCW
22 9A.08.030, of the corporation, joint stock association, or limited
23 liability company, other than a high managerial agent, while acting
24 within the scope of his or her employment and in behalf of the
25 corporation, joint stock association, or limited liability company.

26 (3) "Advertisement" means notice or an announcement in a public
27 medium promoting a product, service, or event, or publicizing a job
28 vacancy.

29 (4) In a prosecution under this statute it is not a defense that
30 the defendant did not know the age of the minor depicted in the
31 advertisement. It is a defense, which the defendant must prove by a
32 preponderance of the evidence, that at the time of the offense, the
33 defendant made a reasonable bona fide attempt to ascertain the true age
34 of the minor appearing in the advertisement by requiring the minor to
35 appear in person and present a driver's license, marriage license,
36 birth certificate, or other governmental or educational identification
37 card or paper and did not rely solely on oral or written allegations of
38 the minor's age or the apparent age of the minor.

1 (5) Advertising commercial sexual abuse of a minor is a class C
2 felony.

--- END ---

EXHIBIT M

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6251

62nd Legislature
2012 Regular Session

Passed by the Senate February 8, 2012
YEAS 49 NAYS 0

President of the Senate

Passed by the House February 27, 2012
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6251** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6251

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Judiciary (originally sponsored by Senators Kohl-Welles, Delvin, Eide, Chase, Pflug, Conway, Kline, Ranker, Stevens, Fraser, Regala, Nelson, Roach, and Frockt)

READ FIRST TIME 02/02/12.

1 AN ACT Relating to advertising commercial sexual abuse of a minor;
2 adding a new section to chapter 9.68A RCW; creating new sections; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds it unacceptable that
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8 hundred to five hundred children being exploited for sex in the Seattle
9 area alone each year. The legislature finds that the practice of
10 escort services advertising includes minors who are being sold for sex,
11 a form of sex trafficking and commercial sexual abuse of minors.
12 According to the Seattle police department, since the beginning of
13 2010, at least twenty-two children have been advertised online in the
14 Seattle area for commercial sex and were recovered by the police
15 department. The legislature is committed to eliminating sex
16 trafficking of minors in a manner consistent with federal laws
17 prohibiting sexual exploitation of children.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.68A RCW
2 to read as follows:

3 (1) A person commits the offense of advertising commercial sexual
4 abuse of a minor if he or she knowingly publishes, disseminates, or
5 displays, or causes directly or indirectly, to be published,
6 disseminated, or displayed, any advertisement for a commercial sex act,
7 which is to take place in the state of Washington and that includes the
8 depiction of a minor.

9 (a) "Advertisement for a commercial sex act" means any
10 advertisement or offer in electronic or print media, which includes
11 either an explicit or implicit offer for a commercial sex act to occur
12 in Washington.

13 (b) "Commercial sex act" means any act of sexual contact or sexual
14 intercourse, both as defined in chapter 9A.44 RCW, for which something
15 of value is given or received by any person.

16 (c) "Depiction" as used in this section means any photograph or
17 visual or printed matter as defined in RCW 9.68A.011 (2) and (3).

18 (2) In a prosecution under this statute it is not a defense that
19 the defendant did not know the age of the minor depicted in the
20 advertisement. It is a defense, which the defendant must prove by a
21 preponderance of the evidence, that the defendant made a reasonable
22 bona fide attempt to ascertain the true age of the minor depicted in
23 the advertisement by requiring, prior to publication, dissemination, or
24 display of the advertisement, production of a driver's license,
25 marriage license, birth certificate, or other governmental or
26 educational identification card or paper of the minor depicted in the
27 advertisement and did not rely solely on oral or written
28 representations of the minor's age, or the apparent age of the minor as
29 depicted. In order to invoke the defense, the defendant must produce
30 for inspection by law enforcement a record of the identification used
31 to verify the age of the person depicted in the advertisement.

32 (3) Advertising commercial sexual abuse of a minor is a class C
33 felony.

34 NEW SECTION. **Sec. 3.** If any part of this act is found to be in
35 conflict with federal requirements that are a prescribed condition to
36 the allocation of federal funds to the state, the conflicting part of
37 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application to
3 the agencies concerned. Rules adopted under this act must meet federal
4 requirements that are a necessary condition to the receipt of federal
5 funds by the state.

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